

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
 2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
 3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 RS ENTERPRISES, Inc.: Case #16-251-00080

8 t/a Ziaafat Grill and Restaurant:

9 1102 8th Street SE :

10 License #103824 :

11 Retailer CR :

12 ANC 6B :

13 Application for a New License :

14 - - - - -X

15 Wednesday, August 10,
 16 2016

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18 Whereupon, the above-referenced matter
 19 came on for hearing at the Alcoholic Beverage
 20 Control Board, Reeves Center, 2000 14th Street,
 21 N.W., Suite 400S, Washington, D.C. 20009.

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3 BOARD MEMBERS PRESENT

4 NICK ALBERTI, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7 RUTHANNE MILLER, BOARD MEMBER

8

9 ALSO PRESENT:

10 MARK BRASHEARS

11 JENNIFER SMITH

12

1 P R O C E E D I N G S

2

3 CHAIRPERSON ANDERSON: We're back on the
4 record. The next case is the fact finding
5 hearing on -- Restaurant license #10384. Will
6 the parties please approach and identify
7 themselves for the record, please?

8 MS. SMITH: Hi, I'm Jennifer Smith.

9 CHAIRPERSON ANDERSON: All right, so the fact
10 finding says that you're applying for -- you're
11 applying for a new license and I think the board
12 is -- we're aware that you also have ownership in
13 another establishment called "Someplace Else,"
14 although this is not about Someplace Else, I'm
15 just stating that the board is aware that you do
16 have another establishment. So, maybe if you
17 could provide us [inaudible 2:50]. So, why
18 don't you just go ahead and give us some
19 information about this new venture of yours.

20 MS. SMITH: Ziaafat is a running operating
21 restaurant that I've purchased in the last six
22 weeks. It's located at H Street Southeast. It's

1 a Pakistani-Indian restaurant. We'd like to add
2 alcohol sales. There is no bar on the premises.
3 It's a restaurant with a buffet during lunchtime
4 and then dinner. We close at 10:00, but we'd
5 like to add alcohol to the menu.

6 CHAIRPERSON ANDERSON: Questions by board
7 members? Go ahead, Mr. Alberti.

8 MR. ALBERTI: I'll start, but I'll reserve
9 the right to ask more questions later, but I'll
10 start. So, this is H Street southeast?

11 MS. SMITH: Is it a current -- the current
12 location is it currently in operation? Is it
13 under another restaurant?

14 MS. SMITH: No, It's been in operation only
15 since October of last year under Ziaafat, yeah.

16 MR. ALBERTI: Oh, just as a restaurant
17 without alcohol.

18 MS. SMITH: Right.

19 MR. ALBERTI: And what's the name of it?

20 MS. SMITH: Ziaafat.

21 MR. ALBERTI: Ziaafat?

22 MS. SMITH: Mm hmm.

1 MR. ALBERTI: Okay. Ziaafat Grill. Where
2 exactly -- can you give me some landmarks on H
3 Street southeast where it's located?

4 MS. SMITH: Sure. It's 1102 South H Street
5 Southeast. The street on one end is the navy
6 yard, and then just a block over they're doing
7 construction there on the freeway, just a block
8 over there there's the marine corps barracks.
9 There's also, on the opposite --

10 MR. ALBERTI: So, what side of the street are
11 you on? The east or the west side?

12 MS. SMITH: Oh, east.

13 MR. ALBERTI: East, okay. Below the marine
14 barracks?

15 MS. SMITH: Yes.

16 MR. ALBERTI: South of marine barracks?

17 MS. SMITH: And below, yeah. I would say
18 north of the navy yard.

19 MR. ALBERTI: North of the underpass or south
20 of the underpass?

21 MS. SMITH: Yeah, south.

22 MR. ALBERTI: South, and what's next door to

1 you?

2 MS. SMITH: Let's see, there's an El
3 Salvadoran restaurant, I can't think of the name
4 at the moment.

5 MR. ALBERTI: A what?

6 MS. SMITH: An El Salvadoran restaurant.

7 MR. ALBERTI: Okay.

8 MS. SMITH: It's been there, I know from
9 speaking with the employees there it's been there
10 for about 25 years, but I can't remember the
11 name.

12 MR. ALBERTI: Yeah, they used to be located
13 north of there on, yeah.

14 MS. SMITH: The underpass?

15 MR. ALBERTI: Yeah.

16 MS. SMITH: Diagonally from the restaurant
17 there's also a restaurant and I believe it's a
18 beer garden called The Brig.

19 MR. ALBERTI: Okay, so you're almost directly
20 across the street from the Brig.

21 MS. SMITH: Mm hmm. On the diagonal.

22 MR. ALBERTI: That's the new place, okay.

1 MS. SMITH: Also on the other side of us
2 there is another establishment. I'm not quite
3 sure what the name of it is. There are no
4 outside signs.

5 MR. ALBERTI: Bachelor's Mill?

6 MS. SMITH: No.

7 MR. ALBERTI: Yeah, that's up the block.

8 MS. SMITH: It's a -- no, it's not the
9 Bachelor's Mill.

10 MR. ALBERTI: Okay, that's down I think a
11 block away. All right. So, you own -- you
12 currently own and manage Someplace Else? Is that
13 true?

14 MS. SMITH: Yes.

15 MR. ALBERTI: What's your day to day role
16 there?

17 MS. SMITH: Manager. I've had some health
18 issues the past few months, I'm not there as
19 often as I'd like, but I have had a couple of
20 really good bar managers that I trust.

21 MR. ALBERTI: What's the extent of your
22 health -- you don't have to tell me what they

1 are, but what's the extent? Have you been --
2 bedridden? You've been out -- to what point?

3 MS. SMITH: I have Charcot of the foot. It's
4 --

5 MR. ALBERTI: All right, so you don't have to
6 tell me the condition. So you're unable to leave
7 home at times? Is that what the deal is?

8 MS. SMITH: Yes. For instance, I was on bed
9 rest for a couple of months after my surgery last
10 fall.

11 MR. ALBERTI: Okay.

12 MS. SMITH: And I'm also having surgery next
13 week.

14 MR. ALBERTI: All right, all right, I don't
15 want to go into it too much. I was just
16 wondering exactly how much you were sort of
17 mobile.

18 MS. SMITH: Mobility.

19 MR. ALBERTI: Yeah, right, okay. One of the
20 questions I have is that have you ever -- when
21 did you start the operation of Some Other Place?

22 MS. SMITH: August.

1 MR. ALBERTI: Or, Someplace Else.

2 MS. SMITH: Of last year.

3 MR. ALBERTI: Someplace Else. Pardon?

4 MS. SMITH: August.

5 MR. ALBERTI: Last August? Okay. And have
6 you ever filed a quarterly report for that
7 establishment?

8 MS. SMITH: Yes, I did.

9 MR. ALBERTI: When?

10 MS. SMITH: I'm going to say December or
11 January. And then I would have to check with my
12 manager, I want to say March or April.

13 MR. ALBERTI: Okay. I'll tell you that we
14 don't have them.

15 MS. SMITH: I will check with Mr. Hall on
16 that.

17 MR. ALBERTI: We --

18 MS. SMITH: I did the first one myself,
19 personally.

20 MR. ALBERTI: The first one would have been
21 for --

22 MS. SMITH: I want to say December.

1 MR. ALBERTI: Well, the first one -- probably
2 the first one would have been for the fourth
3 quarter of -- so that would have been October to
4 December, and we don't have that one.

5 MS. SMITH: Okay.

6 MR. ALBERTI: The next one for the first
7 quarter of 2016, is January to February -- or
8 January to March. We don't have that one.

9 MS. SMITH: Okay.

10 MR. ALBERTI: And the next one would be for
11 April through May -- April through the end of
12 June. We don't have that one. Who files these
13 for you?

14 MS. SMITH: Mr. Hall filed the spring. I
15 filed the one last year and --

16 MR. ALBERTI: Well, you're going to get
17 notice from us officially, but I will tell you
18 right now that our records show that we don't
19 have them.

20 MS. SMITH: Okay.

21 MR. ALBERTI: All right? So, that's of great
22 concern to me.

1 MS. SMITH: Me too, yes.

2 MR. ALBERTI: Okay, I'm going to go sort of
3 to the heart of the matter here and that's the
4 participation of Mr. Khan.

5 MS. SMITH: My husband, yes.

6 MR. ALBERTI: Yes. What would his role be at
7 this establishment?

8 MS. SMITH: He is cooking now and I'd like
9 for him to continue cooking there. He's very
10 good at it, the customers are happy and I trust
11 him. He's a certified food manager.

12 MR. ALBERTI: So he will have a day to day
13 presence there and --

14 MS. SMITH: Mm hmm.

15 MR. ALBERTI: -- and --

16 MS. SMITH: And work the kitchen, yes.

17 MR. ALBERTI: And I assume, since he's
18 married to you, some control of the management.

19 MS. SMITH: Possibly. My son will also be
20 working there and we also have three employees
21 who've been there before.

22 MR. ALBERTI: So, Mr. Khan is there now?

1 MS. SMITH: I'm sorry?

2 MR. ALBERTI: Mr. Khan's cooking there now?

3 MS. SMITH: No, he's with the --

4 MR. ALBERTI: No, no, no, but I mean --

5 MS. SMITH: I'm sorry, sorry.

6 MR. ALBERTI: That's all right. That's all
7 right.

8 MS. SMITH: Yes he is.

9 MR. ALBERTI: So, how long has he been doing
10 that and sort of what's his schedule of cooking
11 there?

12 MS. SMITH: Sometimes depending on the
13 schedule, sometimes he's there at 11:00 a.m.
14 Usually he's not there until 4:00 and from 4:00
15 'til we close.

16 MR. ALBERTI: Okay. What has been his role
17 in Someplace Else?

18 MS. SMITH: Driving me there. He does not
19 work there. To be very honest it's been really,
20 really difficult not having him be able to manage
21 things for me.

22 MR. ALBERTI: Has he ever represented a

1 business to any agencies in the last several
2 months?

3 MS. SMITH: Not that I know of. Mr.
4 [inaudible 3:00] there if I'm not there.

5 MR. BRASHEARS: Do you have any questions for
6 me?

7 MR. ALBERTI: No, these are my -- if I want
8 to ask you questions I will do that. I know,
9 it's not necessary right now. I think we have an
10 investigator at the table. Maybe we can have him
11 introduce himself.

12 CHAIRPERSON ANDERSON: Mr. Brashears, can you
13 introduce yourself for the record, please?

14 MR. BRASHEARS: I'm investigator Brashears
15 with ABRA.

16 MR. ALBERTI: I'm going to be honest, I'm in
17 a quandary here because I have seen information
18 and I don't want to go into a lot of allegations
19 but we know for a fact that Mr. Khan has signed
20 on the behalf of Someplace Else as a
21 representative, signed to forms I think from DOH
22 and maybe others. Okay? And that's of great

1 concern to me. Because as you know we have
2 prohibited his -- he's prohibited by a board
3 order from his participation at Someplace Else.
4 So, when I see a new application I question the
5 trustworthiness of the applicant.

6 MS. SMITH: Mm hmm.

7 MR. ALBERTI: But, be honest with you.

8 MS. SMITH: No, I understand. I understand.

9 MR. ALBERTI: I'm going to stop there and see
10 if anyone else has any other questions?

11 CHAIRPERSON ANDERSON: Well, I mean, I think
12 do you have a response? Yeah.

13 MS. SMITH: DOH. He is a certified food
14 manager. There was an inspection recently. But
15 that didn't have anything to do with ABRA in
16 managing the business or working on the business,
17 and there were documents -- I can't remember if
18 before we got the ABRA license he may have dealt
19 with -- I'm sorry -- zoning, but I can't remember
20 that off the top of my head. But as far as DOH
21 and, yes, there was a recent inspection where he
22 was there.

1 CHAIRPERSON ANDERSON: All right, Mr.
2 Brashears do you have anything you want to add?
3 I mean not necessarily a report, but based on
4 what you've heard today, do you -- can you add
5 anything? If you do, if you don't it's fine.

6 MR. BRASHEARS: As far as the new
7 establishment? Or Someplace Else?

8 CHAIRPERSON ANDERSON: Based on what you've
9 heard today.

10 MR. BRASHEARS: In regards to the Department
11 of Health inspection, Mr. Khan provided his food
12 manager's card and number and as such represented
13 the establishment which, in my opinion, and why I
14 wrote the report, he represented the
15 establishment as though he worked there.

16 MS. SMITH: I see what you're saying.

17 MR. ALBERTI: Was there any other agencies,
18 Mr. Brashears, that he represented himself?

19 MR. BRAMSON: The fire department as well.
20 The fire department did an inspection and once
21 again he represented him -- represented the
22 establishment on behalf --

1 MS. SMITH: Was that the same time period as
2 the inspection there?

3 MR. BRASHEARS: Yes.

4 MS. SMITH: Yeah.

5 MR. ALBERTI: But what -- he's not -- he's
6 not a certified fire inspector so --

7 MS. SMITH: No.

8 MR. ALBERTI: So, I mean, you know -- all
9 right. So he has really no -- you might argue
10 that he has special qualifications as a licensed
11 food manager, but he has nothing to do -- he has
12 no expertise in fire and safety.

13 MS. SMITH: No, none at all.

14 MR. ALBERTI: Okay.

15 MS. SMITH: But like I said before, with the
16 health issues I've run into the past few months
17 it has been difficult without having him be able
18 to be there full time --

19 MR. ALBERTI: So --

20 MS. SMITH: -- and -- and -- and so yes, I
21 did take that opportunity since he already is a
22 certified food manager, to have them there --

1 have him there while the inspection was ongoing.

2 MR. ALBERTI: So, let me ask you. Our board
3 order was pretty clear that he really -- I'm just
4 going to not mince words.

5 MS. SMITH: No.

6 MR. ALBERTI: He was really not to have
7 anything to do --

8 MS. SMITH: Yes, that's right.

9 MR. ALBERTI: -- official to do with
10 Someplace Else.

11 MS. SMITH: You're right.

12 MR. ALBERTI: So what arrangements did you
13 make for food inspector comes in, fire comes in,
14 somebody else comes in --

15 MS. SMITH: Yes.

16 MR. ALBERTI: -- you need extra help here,
17 extra help there --

18 MS. SMITH: No.

19 MR. ALBERTI: What -- what -- what
20 arrangements have you made so that he doesn't
21 have to -- did not have to involve himself?

22 MS. SMITH: Because I had rales on my feet

1 and I was on non-weight-bearing status, from what
2 I'm understanding, an employee that I had fired,
3 I called in to the health department, which
4 doesn't matter because there were obviously
5 issues otherwise we wouldn't have been closed and
6 because it is what I'm making my livelihood on
7 and trying to support my family on, I needed to
8 open up and I could not be there and I'm sorry --

9 MR. ALBERTI: But didn't you make
10 arrangements for -- in that event?

11 MS. SMITH: Yes, I did. I had to have my
12 husband there. The employee that I fired was a
13 certified food manager.

14 MR. ALBERTI: But you knew that was -- but
15 you knew that was a violation of the order, to
16 have him there.

17 MS. SMITH: I'm sorry and honestly I sent an
18 e-mail to each member of the board in July and I
19 have a copy of that explaining how I was asking
20 you all to reconsider having him work there. I'm
21 sorry.

22 MR. ALBERTI: No, I understand. I understand

1 it's difficult --

2 MS. SMITH: [inaudible 3:05]

3 MR. ALBERTI: These are very pointed
4 questions, but this is a very serious matter.

5 MS. SMITH: I know, I understand that, and it
6 was a really rough choice for me to make, but we
7 needed to get back open. Anyway, since then I
8 now have the bar manager, I have the certified
9 food manager there and everything's okay. He's
10 at the new place and there's no alcohol there
11 now, but I would like for you all to reconsider.
12 He would not be selling the alcohol. I have the
13 employees to cover the other positions. He's
14 strictly cooking, so.

15 MR. ALBERTI: I could probably look at this.
16 How large is the new place?

17 MS. SMITH: It's capacity 75, I believe, off
18 the top of my head.

19 MR. ALBERTI: 75?

20 MS. SMITH: Yeah.

21 MR. ALBERTI: And you want to be open -- you
22 want to have live entertainment until 3:00 a.m.?

1 MS. SMITH: No, not.

2 MR. ALBERTI: You want to have, well, that's
3 what your application says. You want to sell
4 alcohol until 3:00 a.m.?

5 MS. SMITH: No.

6 MR. ALBERTI: On weekends?

7 MS. SMITH: No.

8 MR. ALBERTI: That's what your application
9 says.

10 MS. SMITH: No.

11 MR. ALBERTI: What are you asking for?

12 MS. SMITH: Close at 11:00.

13 MR. ALBERTI: So, you want to close at 11:00?

14 MS. SMITH: Yes, we close at 11:00 p.m.

15 MR. ALBERTI: So, that's -- those are the
16 hours that you're asking the board for?

17 MS. SMITH: Yes. Yes.

18 MR. ALBERTI: So, are you willing to amend
19 your --

20 MS. SMITH: Yes.

21 MR. ALBERTI: -- so we know?

22 MS. SMITH: Yes.

1 MR. ALBERTI: So, you're willing to amend
2 your license --

3 MS. SMITH: Yes.

4 MR. ALBERTI: -- application?

5 MS. SMITH: Yes.

6 MR. ALBERTI: What about entertainment?

7 MS. SMITH: No, there's no live entertainment
8 there.

9 MR. ALBERTI: No live entertainment?

10 MS. SMITH: No.

11 MR. ALBERTI: So, you're willing to withdraw
12 the request for that endorsement?

13 MS. SMITH: Yes, sir. Yes.

14 MR. ALBERTI: Okay, that kind of changes
15 things for me, but you have to be willing to do
16 that.

17 MS. SMITH: I am.

18 MR. ALBERTI: So, live entertainment means a
19 DJ --

20 MS. SMITH: Nope.

21 MR. ALBERTI: -- a band --

22 MS. SMITH: No.

1 MR. ALBERTI: I guess most importantly it's
2 understanding no DJ.

3 MS. SMITH: Yeah.

4 MR. ALBERTI: All right. I mean everybody
5 understands a band is live music and --

6 MS. SMITH: I yeah --

7 MR. ALBERTI: -- and live entertainment is
8 live music, but I will tell you DJs is also live
9 entertainment --

10 MS. SMITH: Right.

11 MR. ALBERTI: -- under our definition.

12 MS. SMITH: I know.

13 MR. ALBERTI: I'm going to pause.

14 CHAIRPERSON ANDERSON: Yes, Ms. Miller.

15 MS. MILLER: Good afternoon.

16 MS. SMITH: Hi, how are you?

17 MS. MILLER: I just want to say to you that I
18 didn't see your e-mail. I don't know -- we don't
19 usually get e-mails so I don't know what happened
20 to that. So, I don't want you to think we just
21 ignored you.

22 MS. SMITH: I didn't get a response, so

1 that's what I thought.

2 MS. MILLER: So you may need to talk to our
3 general counsel, Martha Jenkins, if you want to
4 ask. You can ask us now, but if you want to put
5 something in writing, you should do that. I
6 wanted to ask you, so with this new application,
7 are you currently -- you're currently running a
8 restaurant, it just doesn't have a liquor
9 license?

10 MS. SMITH: Yes.

11 MS. MILLER: Okay. And your husband is
12 currently helping you with the cooking.

13 MS. SMITH: He's entirely doing the cooking
14 with another employee.

15 MS. MILLER: Okay. And so, I mean I think
16 I'm hearing two different issues, related, but
17 one is that you have another restaurant you're
18 running with the condition that your husband
19 can't work there --

20 MS. SMITH: Right.

21 MS. MILLER: -- and you would like him to be
22 able to help you in that case?

1 MS. SMITH: Mm hmm.

2 MS. MILLER: Okay, and then I assume in this
3 case you would not want to be restricted from him
4 working?

5 MS. SMITH: Yes.

6 MS. MILLER: Okay. And for the record, the
7 reason you're asking that is, one, your health
8 problems?

9 MS. SMITH: Yes.

10 MS. MILLER: And, two, another reason?

11 MS. SMITH: The health problems, that's the
12 main thing really.

13 MS. MILLER: And there hasn't been a problem
14 with him working, cooking in your establishment?

15 MS. SMITH: No. No not at all.

16 MS. MILLER: And you would say he would have
17 nothing to do with alcohol in both cases. Is that
18 what you're saying?

19 MS. SMITH: No, I don't foresee -- even now
20 he's not working the register, he's not selling
21 anything, he's back in the kitchen. I have two
22 other employees that go out front and then my son

1 is there, too, so.

2 MS. MILLER: And you said your son is working
3 for you?

4 MS. SMITH: Yes, part-time.

5 MS. MILLER: How old is he?

6 MS. SMITH: He's 21.

7 MS. MILLER: Okay. Just to understand your
8 situation a little bit better, it sounds like you
9 were having some problems with your other
10 restaurant because of your health and the
11 restrictions on him helping you, right?

12 MS. SMITH: Right.

13 MS. MILLER: How does it help to open another
14 restaurant?

15 MS. SMITH: This one is already running, it's
16 honestly not as much work as Someplace Else has
17 been. The other thing I'm having one final
18 surgery done, and we're anticipating that it's
19 going to solve the issue that I have with the
20 foot, and recovery will take six to eight weeks.
21 And then hopefully I'll be back on my feet and
22 back to normal.

1 MS. MILLER: Okay, I hope so. Okay, that
2 answers my question. Thank you very much.

3 CHAIRPERSON ANDERSON: Mr. Brashears, are you
4 familiar with this restaurant? The new
5 restaurant?

6 MR. BRASHEARS: Yes, sir.

7 CHAIRPERSON ANDERSON: How are you familiar
8 with this restaurant?

9 MR. BRASHEARS: I visited the establishment
10 today.

11 CHAIRPERSON ANDERSON: But what is it you can
12 tell us about what's your impression?

13 MR. BRASHEARS: I basically stopped by. It
14 is a Pakistani-Indian restaurant, as Ms. Smith
15 indicated. They had a buffet offering as well as
16 food you could order. Approximately 22 seats in
17 the establishment at the time -- at this time.
18 It's not a terribly large establishment but it
19 was neat, it was clean. I talked to a few
20 patrons inside. They said they enjoyed the food
21 and they were very happy with the service that
22 was provided.

1 CHAIRPERSON ANDERSON: All right, thank you.

2 MS. SMITH: May I ask what time you were
3 there?

4 MR. BRASHEARS: I believe between 11:00 and
5 12:00.

6 MS. SMITH: Okay. The whole street has a
7 power outage for the last several hours so -- I
8 was wondering.

9 CHAIRPERSON ANDERSON: Well, there was a
10 positive response, so therefore, that was a very
11 positive endorsement of your business, so stay
12 there while you're ahead.

13 MS. SMITH: Thank you.

14 CHAIRPERSON ANDERSON: Do we have any other
15 questions by any other board members? Yes, Mr.
16 Silverstein.

17 MR. SILVERSTEIN: Mr. Brashears, Investigator
18 Brashears, in your inspection of the other
19 establishment that the licensee -- applicant
20 licensee -- owns, did you discover any health or
21 safety issues that were noteworthy?

22 MR. BRASHEARS: I myself had a DCRA inspector

1 visit the establishment as part of a noise task
2 force one evening. The DCRA inspector basically
3 did a walk-through and noted some various things.
4 Naked wires, extension cords improperly used,
5 railing missing, quite a few things. Mr. Hall,
6 the ABC manager, John Hall, basically accompanied
7 us and took notes of all the issues and then, of
8 course, the health issues. There was some --
9 appeared to be vermin infestation and some other
10 issues. And DOH came out and found violations
11 and subsequently closed the establishment. There
12 were also some concerns with the fire department.
13 The fire department came out and looked at things
14 and basically helped the establishment get up to,
15 you know, proper code. Other than that, you
16 know, I've had -- I've had numerous conversations
17 with Mr. Khan, pretty much every time I've been
18 in there -- in the establishment -- he's been
19 there. He said he frequents the establishment.
20 When I asked him what his capacity was, he
21 basically stated that, you know, he didn't work
22 there; however, you know, he did represent the

1 establishment with the DOH and the fire
2 department and he stated if he got hungry he went
3 in the kitchen and fixed himself something to
4 eat. And if he got hungry he went behind the
5 bar. Now, again, one of the reasons for the
6 report -- I don't know very many people that can
7 do that at an establishment unless they consider
8 themselves an owner or employee. But, you know,
9 he was candid and he was frank about the issues.
10 In another situation I came in for a visit. He
11 was in the kitchen washing dishes. So, again,
12 and numerous photos on Yelp of him in the
13 establishment and someone referring on video that
14 he was the owner. Again, you know, nothing that
15 I could prove or disprove but these are the
16 things that came up and that's why I wrote the
17 report.

18 MR. SILVERSTEIN: Thank you. Ms. Smith,
19 would you like to respond?

20 CHAIRPERSON ANDERSON: Mr. Silverstein, I'm
21 not. This is about the new establishment. I
22 mean, this hearing is not about that

1 establishment and we're going to have a hearing
2 about that so I want us not to divulge too much
3 into that establishment because that's not the
4 purpose today.

5 MR. SILVERSTEIN: I do want to ask her
6 because of that what the response was to these
7 things, because if in fact there -- if an
8 establishment is being run in a manner that is of
9 concern regarding safety and whatever, this is
10 not casting a verdict. What was your response to
11 that?

12 MS. SMITH: As I understand the issue with
13 the Department of Health and the fire department
14 also, but as far as just being there, or helping
15 himself to food or whatnot, I never saw a problem
16 with that. As far as someone calling him the
17 owner, my cook that I fired called himself the
18 owner. I'm not concerned with that.

19 MR. SILVERSTEIN: That part of it is not what
20 I'm asking.

21 MS. SMITH: Oh, okay.

22 MR. SILVERSTEIN: I'm asking about the

1 response to health and safety --

2 MS. SMITH: Oh yeah.

3 MR. SILVERSTEIN: -- concerns and were those
4 matters taken care of and how?

5 MS. SMITH: I'm sorry, yes, we took care of
6 those. The rat issue is an ongoing issue. That
7 is something we can't take our thumb off for even
8 a split second. But other than that the issues
9 with the fire department, everything else is up -
10 -

11 MR. SILVERSTEIN: I'm sorry.

12 MS. SMITH: -- everything else is up to date,
13 everything is fine.

14 MR. SILVERSTEIN: Thank you.

15 MR. ALBERTI: I have just one comment.

16 CHAIRPERSON ANDERSON: I'll come back to you.
17 Yes, Ms. Miller.

18 MS. MILLER: Okay, I've just got a couple of
19 questions. Mr. Brashears, what you described as
20 the other place, which is not the subject of this
21 hearing per se, those issues didn't exist at this
22 new restaurant which is the subject of today's --

1 MR. BRASHEARS: No ma'am. I did not go into
2 the kitchen, the rest rooms. I basically walked
3 in, asked for a menu, basically looked at what
4 was on the buffet line, and spoke to a few
5 customers, so it wasn't really an official -- per
6 se -- visit, I just did a quick walk through to
7 familiarize myself with the establishment.

8 MS. MILLER: Okay. And separate from the
9 fact that Mr. Khan's working at the other
10 restaurant, the other -- Someplace Else -- is a
11 violation of a board order, did you observe
12 anything about Mr. Khan's actions that would lead
13 you to believe that he was posing any kind of a
14 danger to the public?

15 MR. BRASHEARS: No, ma'am.

16 MS. MILLER: Okay, thank you.

17 CHAIRPERSON ANDERSON: Mr. Alberti.

18 MR. ALBERTI: I just want to mention that if
19 we were to approve your application, and of
20 course you promised to make changes, but I'll
21 remind you of that -- if we were to approve it,
22 you need on your certificate of occupancy with

1 DCRA to get a number of seats, your CFO says 45
2 total occupancy. You're going to need a number
3 of seats when you file a quarterly report.

4 MS. SMITH: Okay.

5 MR. ALBERTI: And if we do approve this I
6 hope that you start being prompt with your
7 quarterly reports.

8 MS. SMITH: Yes, sir.

9 MR. ALBERTI: Because we don't have them for
10 Someplace Else.

11 MS. SMITH: Yes.

12 MR. ALBERTI: And you need to look into that.

13 MS. SMITH: Okay, thank you.

14 MR. ALBERTI: Okay, I have nothing more.

15 CHAIRPERSON ANDERSON: Do we have any other
16 questions by any other board members? Do you
17 have, Ms. Smith?

18 MS. SMITH: Yes.

19 CHAIRPERSON ANDERSON: Do you have any final
20 statements?

21 MS. SMITH: No. Thank you for taking the
22 time to see me and I will -- if it's okay, I will

1 send -- I don't know who to go through as far as
2 having my husband being able to work at Someplace
3 Else in some kind of capacity, essentially with
4 your approval, other than the e-mails that I
5 sent. Do I file a letter at the front desk? I'm
6 not sure.

7 MR. ALBERTI: What do we do with this issue?

8 MS. SMITH: Are you asking how you should do
9 that? Yes.

10 MR. ALBERTI: Why doesn't she just --

11 MS. MILLER: She could file a letter with the
12 front desk, but should she coordinate with Ms.
13 Jenkins maybe?

14 MR. ALBERTI: Let's let the chair handle
15 this.

16 MS. MILLER: Yeah.

17 CHAIRPERSON ANDERSON: Well, we're dealing
18 with this restaurant and why don't you -- what
19 we'll do is that Ms. -- I'll volunteer Ms.
20 Jenkins to talk to you to let you know what, if
21 anything, you can do. I don't know much about it
22 so I'm not sure when the board order came down.

1 MR. ALBERTI: She can ask Ms. Jenkins.

2 CHAIRPERSON ANDERSON: Right, so, that's what
3 I'm just saying I don't know if I can respond, so
4 Ms. Jenkins can let you know what your options
5 are.

6 MS. SMITH: Thank you.

7 CHAIRPERSON ANDERSON: Okay? All right.

8 MR. ALBERTI: So, may I just mention a
9 licensing specialist or manager, is that what
10 your title is, Mr. Gordy, but the person who's in
11 charge of our licensing division is sitting in
12 the back and so if you want to talk to him about
13 amending your license?

14 MS. SMITH: Yes, please.

15 MR. ALBERTI: Because I will tell you quite
16 frankly from the dais I would not approve it with
17 the current hours.

18 MS. SMITH: Right.

19 MR. ALBERTI: That's my -- that's my vote --
20 just so you know.

21 MS. SMITH: Right.

22 MR. ALBERTI: Thank you.

1 MS. SMITH: Thank you.

2 CHAIRPERSON ANDERSON: All right, thank you.

3 We're in recess until our 4:30 hearing. Thank
4 you, Mr. Brashears.

5 MS. SMITH: Thank you. (Whereupon, the above-
6 entitled matter was concluded.)

7